

THE STATUTORY TYPE DOUBLE PATENTING REJECTION

Claims 1-22 are rejected for statutory type double patenting over claims 1-22 of U.S. Patent No. 6,372,796 (the “‘796 patent’”). Applicants have canceled claims 1-19, thereby obviating the rejection of these claims.

Applicants traverse the rejection of claims 20-22. Claims 20-22 of this application do not claim the same invention as any of claims 1-22 of the ‘796 patent. Claim 20 and dependent claims 21 and 22 of the present application are directed to a method of increasing a population of dividing cells in a tissue of a mammal comprising contacting the cells with at least one inhibitor of nitric oxide. None of the claims of the ‘796 patent are directed to such a method. Accordingly, applicants respectfully submit that the rejection of claims 20-22 for statutory double patenting over the ‘796 patent should be withdrawn.

Applicants acknowledge that claims 38-40 of this application claim the same subject matter as claims 20-22 of the ‘796 patent. Applicants have therefore canceled claims 38-40 of this application.

THE NONSTATUTORY TYPE DOUBLE PATENTING REJECTION

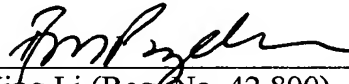
Claims 23-42 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of the ‘796 patent. Claims 38-40 are cancelled. In addition, applicants have filed herewith a terminal disclaimer under 37 C.F.R. § 1.321(b) and (c) and paid the requisite fee. This rejection can now be withdrawn.

CONCLUSION

Applicants respectfully submit that the claims, as amended, are in condition for allowance. Applicants request early, favorable action from the Examiner.

To expedite prosecution, the Examiner is invited to telephone applicants' undersigned representatives to discuss any issues that may remain.

Respectfully submitted,



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